

STATE OF CONNECTICUT

BY HIS EXCELLENCY

DANNEL P. MALLOY

EXECUTIVE ORDER NO. 2

WHEREAS, pursuant to Sec. 4d-2(c)(1) of the Connecticut General Statutes, the Chief Information Officer (“CIO”) of the Department of Information Technology (“DOIT”) is responsible for developing and implementing policies pertaining to information and telecommunication systems for state agencies;

WHEREAS, pursuant to Sec. 11-8 of the Connecticut General Statutes, the State Librarian is responsible for developing and directing a records management program for the books, records, papers, and documents of all state agencies within the executive department;

WHEREAS, on June 30, 2009, the Office of the Public Records Administrator issued State Library General Letter 2009-2, declaring that back-up systems or tapes are not acceptable for the long-term retention of electronic messages, and further stating that the purpose of backing up Email and any attachments is to ensure against the loss of valuable data in the event of a disaster, system failure, or inadvertent user deletion;

WHEREAS, the CIO in or about April 2010 drafted an Email Retention Policy for Electronically Stored Information on the State of Connecticut’s Enterprise Email System that, *inter alia*, purported to establish a procedure whereby back-up tapes would be retained for sixty (60) days, after which time any Email and attachments on those back-up tapes would be erased, deleted, or otherwise destroyed, and no longer retrievable or recoverable in any manner; and

WHEREAS, the CIO’s proposed procedure sought to advance the goal of establishing the conditions, including the time periods for which Email will be retained, backed-up, and subsequently destroyed after the expiration of the retention period, but neglected to account for the back-up tapes already in existence.

NOW THEREFORE, I, Dannel P. Malloy, Governor of the State of Connecticut, acting by virtue of the authority vested in me by the Constitution and by the Statutes of the State, do hereby **ORDER AND DIRECT**:

1. That the CIO’s draft Email Retention Policy for Electronically Stored Information on the State of Connecticut’s Enterprise Email System shall not be implemented and will be given no effect.
2. That the CIO, in consultation with the Connecticut State Library Office of the Public Records Administrator, shall propose a Revised Email Retention Policy for Electronically Stored Information that, at a minimum:
 - makes recommendations to the Governor relating to the conditions, circumstances, and implementation for retention and storage of backed-up tapes containing Emails;
 - establishes a procedure whereby state agencies shall provide the CIO with an inventory of all Email back-up tapes and a procedure to ensure that all such backup tapes are safely transported and securely held by DOIT;
 - establishes standards, including the time periods for which presently existing Email back-up tapes will be retained after the expiration of the retention period; and
 - establishes standards for retention of electronically stored information on DOIT’s Email system, including those public records created and received by its customer agencies.

3. That no Email back-up tapes will be altered, modified, removed or destroyed until such time as the CIO's proposed policy, as required by this Executive Order, is implemented.

This Order shall take effect immediately.

Dated at Hartford, Connecticut this 5th day of January 2011.

DANNEL P. MALLOY
Governor

By Her Excellency's Order

Denise Merrill
Secretary of the State